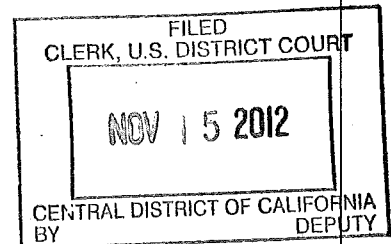


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[Additional counsel appearing on signature page]

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

PAUL GANNON, individually and on behalf
of all others similarly situated,

Plaintiff,

v.

NETWORK TELEPHONE SERVICES, INC., a
California corporation; DECADE
COMMUNICATIONS, INC., a California
corporation; FRONTIER CREDIT, INC., a
California corporation; AMERICAN
OPERATOR SERVICES, INC., a California
corporation; JOHN and JANE DOES 1 through
100; and JOHN DOE ENTITIES 1 through 10,

Defendants.

NO. **CV12-9777 RGK(PJW)**

**CLASS ACTION COMPLAINT FOR
DAMAGES AND INJUNCTIVE
RELIEF FOR VIOLATION OF
47 U.S.C. § 227**

DEMAND FOR JURY TRIAL

I. INTRODUCTION

1.1 Plaintiff Paul Gannon, individually and as a class representative for all persons in the United States who have received unsolicited commercial text messages on their cellular telephones from Defendants, brings this class action to stop Defendants' practice of making unsolicited text message calls to cellular telephones, and to obtain redress for all persons

CLASS ACTION COMPLAINT FOR
DAMAGES AND INJUNCTIVE RELIEF
FOR VIOLATION OF 47 U.S.C. § 227 - 1

1 injured by their conduct. Plaintiff alleges as follows upon personal knowledge as to himself
2 and his own acts and experiences, and, as to all other matters, upon information and belief,
3 including investigation conducted by his attorneys.

4 1.2 Defendant Network Telephone Services, Inc. ("NTS") is engaged in the business
5 of "telephone entertainment" and related billing services. NTS's services include "phone sex"
6 and "SexText," for which consumers are charged by the minute or text to engage in sexually
7 explicit conversations over the telephone. NTS, either directly or through agents or affiliates;
8 operates one or more call centers in which it employs "telephone actresses" to engage in
9 sexually explicit conversations with consumers.

10 1.3 NTS markets its phone sex business through the unauthorized transmission of
11 sexually explicit advertisements in the form of "text message" calls to the cellular telephones of
12 consumers throughout the nation.

13 1.4 By effectuating these unauthorized text message calls (hereinafter, "wireless
14 spam"), NTS has caused consumers actual harm, not only because consumers were subjected to
15 the aggravation that necessarily accompanies wireless spam and the distress of receiving an
16 unsolicited sexually explicit text message, but also because consumers frequently have to pay
17 their cell phone service providers for the receipt of such wireless spam.

18 1.5 In order to redress these injuries, Plaintiff, on behalf of himself and a nationwide
19 class of similarly situated individuals, brings suit under the Telephone Consumer Protection
20 Act, 47 U.S.C. § 227, *et seq.* ("47 U.S.C. § 227"), which prohibits unsolicited voice and text
21 calls to cell phones.

22 1.6 On behalf of the class, Plaintiff seeks an injunction requiring Defendants to
23 cease all wireless spam activities and an award of statutory damages to the class members,
24 together with costs and reasonable attorneys' fees.

II. PARTIES

2.1 Plaintiff Paul Gannon ("Plaintiff") is an individual citizen and resident of the State of Colorado.

2.2 Defendant NTS is a California corporation that maintains its principal place of business at 21135 Erwin Street, Woodland Hills, California 91367. NTS is, and all times mentioned herein was, a "person" as defined by 47 U.S.C. § 153(39).

2.3 Defendant Decade Communications, Inc. ("Decade") is a California corporation that maintains its principal place of business at 21135 Erwin Street, Woodland Hills, California 91367. Decade is, and all times mentioned herein was, a "person" as defined by 47 U.S.C. § 153(39).

2.4 Defendant Frontier Credit, Inc. ("Frontier") is a California corporation that maintains its principal place of business at 21135 Erwin Street, Woodland Hills, California 91367. Frontier is, and all times mentioned herein was, a "person" as defined by 47 U.S.C. § 153(39).

2.5 Defendant American Operator Services, Inc. ("AOS") is a California corporation that maintains its principal place of business at 21135 Erwin Street, Woodland Hills, California 91367. AOS is, and all times mentioned herein was, a "person" as defined by 47 U.S.C. § 153(39).

2.6 Defendants NTS, Decade, Frontier and AOS have acted in concert in doing the things alleged herein, and/or have used each other as mere alter egos or agents in doing the things alleged herein.

2.7 Defendants JOHN and JANE DOES 1 through 100, whose true names are unknown, are individuals who have acted in concert with Defendants in doing the things alleged herein, and/or have used other Defendants herein as mere alter egos or agents in doing the things alleged herein.

1 2.8 Defendants JOHN DOE ENTITIES 1 through 10, whose true names are
2 unknown, are corporations, limited liability companies, or other business entities who have
3 acted in concert with Defendants in doing the things herein alleged, and/or have used other
4 Defendants herein as mere alter egos or agents in doing the things alleged herein.

5 **III. JURISDICTION AND VENUE**

6 3.1 This court has federal question subject matter jurisdiction under 28 U.S.C
7 § 1331, as the action arises under the Telephone Consumer Protection Act, 47 U.S.C. § 227 *et*
8 *seq.*, which is a federal statute.

9 3.2 This Court has personal jurisdiction over Defendants under California Code of
10 Civil Procedure § 410.10 because certain of the acts alleged herein were committed in
11 California and because Defendants do business in California.

12 3.3 Venue is proper in this District pursuant to 28 U.S.C. § 1391(b)(1) because
13 Defendants reside in this District.

14 **IV. FACTUAL ALLEGATIONS**

15 4.1 In recent years, marketers who have often felt stymied by federal laws limiting
16 solicitation by telephone, facsimile machine, and e-mail have increasingly looked to alternative
17 technologies through which to send bulk solicitations cheaply.

18 4.2 A recent innovation in such bulk marketing is to advertise through Short
19 Message Services. The term "Short Message Service" or "SMS" is a messaging system that
20 allows cellular telephone subscribers to use their cellular telephones to send and receive short
21 text messages, usually limited to 160 characters.

22 4.3 An "SMS message" is a text message call directed to a wireless device through
23 the use of the telephone number assigned to the device. When an SMS message call is
24 successfully made, the recipient's cell phone rings, alerting him or her that a call is being
25 received. As cellular telephones are inherently mobile and are frequently carried on their
26

owner's person, calls to cellular telephones, including SMS messages, may be received by the called party virtually anywhere worldwide.

4.4 Unlike more conventional advertisements, wireless spam actually costs its recipients money, because cell phone users must frequently pay their wireless service providers either for each text message call they receive or incur a usage allocation deduction to their text plan, regardless of whether or not the message is authorized.

4.5 Beginning no later than the year 2009, Defendants directed the mass transmission of wireless spam to the cell phones nationwide of what they hoped were potential customers of Defendants' phone sex services.

4.6 For instance, on or about September 4, 2012, Plaintiff's cell phone rang, indicating that a text call was being received. The "from" field of such transmission was identified as "18183070155," which, upon information and belief, is a telephone number assigned to Defendants. The body of such text message read: "Hot honeys r ready to pleasure u and make u cumm. \$25 credit on your first call! Call 800-999-2428. Want to SEXTTEXT, Rply A! Rply END to be remvd. (18+,\$)."

4.7 The telephone number in the body of the text message to Plaintiff, 800-999-2428, is, upon information and belief, also assigned to Defendants.

4.8 At no time did Plaintiff consent to the receipt of the above-referenced message or any other such wireless spam text messages from Defendants.

V. CLASS ACTION ALLEGATIONS

5.1 Class Definition. Plaintiff brings this action pursuant to Federal Rule of Civil Procedure 23(b)(2) and Rule 23(b)(3) on behalf of himself and a class (the "Class") defined as follows:

All persons in the United States and its Territories who received one or more unauthorized text messages by or on behalf of Defendants, or their agents or affiliates.

1 Excluded from the Class are Defendants, any entity in which a Defendant has a controlling
2 interest or that has a controlling interest in a Defendant, Defendants' employees or agents, legal
3 representatives, assignees, and successors. Also excluded are the judge to whom this case is
4 assigned and any member of the judge's immediate family.

5 5.2 Numerosity. Defendants have sent unsolicited, sexually explicit text messages
6 similar to that received by Plaintiff to numerous other Class members without their prior
7 consent. The Class members number in the thousands, such that joinder of all members is
8 impracticable. The disposition of the claims of the Class in a single action will provide
9 substantial benefits to all parties and the Court.

10 5.3 Adequacy. Plaintiff will fairly and adequately represent and protect the interests
11 of the other members of the Class. Plaintiff has retained counsel with substantial experience in
12 prosecuting complex litigation and class actions. Plaintiff and their counsel are committed to
13 vigorously prosecuting this action on behalf of the members of the Class, and have the financial
14 resources to do so. Neither Plaintiff, nor his counsel, has any interest adverse to those of the
15 other members of the Class or each other.

16 5.4 Superiority. Absent a class action, most members of the Class would find the
17 cost of litigating their claims to be prohibitive, and will have no effective remedy. The class
18 treatment of common questions of law and fact is also superior to multiple individual actions or
19 piecemeal litigation in that it conserves the resources of the courts and the litigants, and
20 promotes consistency and efficiency of adjudication.

21 5.5 Typicality. The factual and legal bases of Defendants' liability to Plaintiff and
22 to the other members of the Class are the same, resulting in injury to Plaintiff and to all of the
23 other members of the Class as a result of the transmission of the wireless spam alleged herein.
24 Plaintiff and the other Class members have all suffered harm and damages as a result of
25 Defendants' unlawful and wrongful conduct as a result of the transmission of the wireless
26

1 spam. Defendants have acted and failed to act on grounds generally applicable to Plaintiff and
 2 the other members of the Class in transmitting the wireless spam at issue, requiring the Court's
 3 imposition of uniform relief to ensure compatible standards of conduct toward the members of
 4 the Class.

5 5.6 Commonality. There are many questions of law and fact common to the claims
 6 of Plaintiff and the other members of the Class, and those questions predominate over any
 7 questions that may affect individual members of the Class. Common questions for the Class
 8 include but are not limited to the following:

9 (a) Does the wireless spam that Defendants distributed violate 47 U.S.C. § 227?

10 (b) Are the Class members entitled to treble damages based on the willfulness of
 11 Defendants' conduct?

12 (c) Did the conduct described above violate the Class's right to privacy?

13 **VI. FIRST CLAIM FOR RELIEF**
 14 **VIOLATION OF 47 U.S.C. § 227**

15 6.1 Plaintiff incorporates by reference the foregoing allegations as if fully set forth
 16 herein.

17 6.2 Defendants made unsolicited commercial text calls as alleged herein to the
 18 wireless telephone numbers of the Plaintiff and the Class. Each such text message call was
 19 made using equipment that had the capacity to store or produce telephone numbers to be called,
 20 using a random or sequential number generator. By using such equipment, Defendants were
 21 able to effectively send thousands of text messages simultaneously to thousands of wireless
 22 phone numbers of consumers without human intervention.

23 6.3 These text calls were made *en masse* without the prior express consent of the
 24 Plaintiff and the other members of the Class to receive such wireless spam.

25 6.4 Defendants have, therefore, violated 47 U.S.C. § 227(b)(1)(A)(iii). As a result of
 26 Defendants' conduct, Plaintiff and the other members of the Class are each entitled, under

1 section 227(b)(3)(B), to a minimum of \$500 in damages for each violation, and an injunction to
2 prevent further violations.

3 6.5 Because Defendants had knowledge that Plaintiff and the Class did not consent
4 to the receipt of the aforementioned wireless spam, the Court should, pursuant to section 47
5 U.S.C. § 227(b)(3)(C), treble the amount of statutory damages recoverable by Plaintiff and the
6 other members of the Class.

7 **VII. RELIEF REQUESTED**

8 Plaintiff requests the Court enter judgment against Defendants as follows:

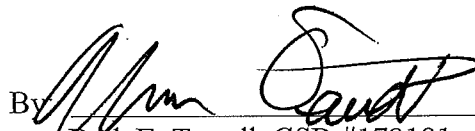
- 9 A. An order certifying the Class as defined above;
10 B. An award of actual and statutory damages;
11 C. An injunction requiring Defendants to cease all wireless spam activities;
12 D. An award of reasonable attorneys' fees and costs; and
13 E. Such further and other relief as the Court deems reasonable and just.

14 **VIII. DEMAND FOR JURY TRIAL**

15 Pursuant to Fed. R. Civ. P. 38(b), Plaintiff demands a trial by jury of any and all issues
16 in this action so triable of right.

1 RESPECTFULLY SUBMITTED AND DATED this 13th day of November, 2012.

2 TERRELL MARSHALL DAUDT & WILLIE PLLC

3
4
5 By 

6 Beth E. Terrell, CSB #178181

Email: bterrell@tmdwlaw.com

7 Michael D. Daudt, CSB #161575

Email: mdaudt@tmdwlaw.com

8 936 North 34th Street, Suite 400

Seattle, Washington 98103-8869

9 Telephone: (206) 816-6603

10 Facsimile: (206) 350-3528

11 Stefan Coleman [Pro Hac Vice Motion to be Filed]

Email: Law@StefanColeman.com

12 LAW OFFICES OF STEFAN COLEMAN

201 S Biscayne Blvd, 28th Floor

13 Miami, Florida 33131

14 Telephone: (877) 333-9427

15 Facsimile: (888) 498-8946

16 *Attorneys for Plaintiff*

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge R. Gary Klausner and the assigned discovery Magistrate Judge is Patrick J. Walsh.

The case number on all documents filed with the Court should read as follows:

CV12- 9777 RGK (PJWx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

===== :
NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☒ **Western Division**
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

☐ **Southern Division**
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

☐ **Eastern Division**
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

Name & Address:

Beth E. Terrell, CSB #178181
 Michael D. Daudt, CSB #161575
 TERRELL MARSHALL DAUDT & WILLIE PLLC
 936 North 34th Street, Suite 400
 Seattle, Washington 98103-8869

UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA

PAUL GANNON

PLAINTIFF(S)

v.

NETWORK TELEPHONE SERVICES, INC., et al.,

DEFENDANT(S).

CASE NUMBER

CV12-9777 RGK(PJW)

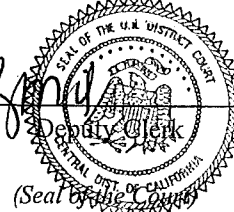
SUMMONS

TO: DEFENDANT(S):

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Beth E. Terrell and Michael D. Daudt, whose address is 936 North 34th Street, Suite 400, Seattle, Washington, 98103-8869. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

Dated: 11/15/2012By: L. R. [Signature]

1164

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

SEE ATTACHED

Beth E. Terrell, CSB #178181
Email: bterrell@tmdwlaw.com
Michael D. Daudt, CSB #161575
Email: mdaudt@tmdwlaw.com
TERRELL MARSHALL DAUDT & WILLIE PLLC
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[Additional counsel appearing on signature page]

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

PAUL GANNON, individually and on behalf
of all others similarly situated,

Plaintiff,

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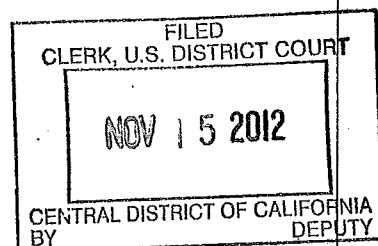
FILED

NO.

**CLASS ACTION COMPLAINT FOR
DAMAGES AND INJUNCTIVE
RELIEF FOR VIOLATION OF
47 U.S.C. § 227**

DEMAND FOR JURY TRIAL

CV12-9777 RGK(PJW)



I. INTRODUCTION

1.1 Plaintiff Paul Gannon, individually and as a class representative for all persons in the United States who have received unsolicited commercial text messages on their cellular telephones from Defendants, brings this class action to stop Defendants' practice of making unsolicited text message calls to cellular telephones, and to obtain redress for all persons.

**CLASS ACTION COMPLAINT FOR
DAMAGES AND INJUNCTIVE RELIEF
FOR VIOLATION OF 47 U.S.C. § 227 - 1**

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/> PAUL GANNON	DEFENDANTS NETWORK TELEPHONE SERVICES, INC.; DECADE COMMUNICATIONS, INC.; FRONTIER CREDIT, INC.; AMERICAN OPERATORS SERVICES, INC.
(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) Beth E. Terrell, CSB #178181; Michael D. Daudt CSB #161575, 936 North 34th Street, Suite 400, Seattle, Washington, 98103 8869, Telephone: (206) 816 6603, Email: bterrell@tmdwlaw.com, Email: mdautd@tmdwlaw.com.	Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an X in one box only.) <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border: none;"> <tr> <td style="width:33%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> <td style="width:33%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> </tr> <tr> <td>Citizen of This State</td> <td align="center"><input type="checkbox"/> 1</td> <td align="center"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in this State</td> <td align="center"><input type="checkbox"/> 4</td> <td align="center"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td align="center"><input type="checkbox"/> 2</td> <td align="center"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td align="center"><input type="checkbox"/> 5</td> <td align="center"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td align="center"><input type="checkbox"/> 3</td> <td align="center"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td align="center"><input type="checkbox"/> 6</td> <td align="center"><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
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Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

IV. ORIGIN (Place an X in one box only.)

☒ 1 Original Proceeding
 ☐ 2 Removed from State Court
 ☐ 3 Remanded from Appellate Court
 ☐ 4 Reinstated or Reopened
 ☐ 5 Transferred from another district (specify): _____
 ☐ 6 Multi-District Litigation
 ☐ 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☒ Yes ☐ No (Check 'Yes' only if demanded in complaint.)

CLASS ACTION under F.R.C.P. 23: ☒ Yes ☐ No
 MONEY DEMANDED IN COMPLAINT: \$ _____

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)
 47 U.S.C. § 227: Violation of Telephone Consumer Protection Act

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	TORTS PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition FORFEITURE / PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety /Health <input type="checkbox"/> 690 Other	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
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FOR OFFICE USE ONLY: Case Number: _____

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

CV12-9777

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes
 If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes
 If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

- (a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.
☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	Paul Gannon, Pitkin County, Colorado

- (b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.
☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles	

- (c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.
Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles	

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties
Note: In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER) _____ Date November 13, 2012

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))